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EXHIBIT A

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Journals Options

Help







How We Enforce The Discussion Forum Rules

This is a detailed explanation of how we enforce the <u>basic</u> message board rules.

Last updated February 1, 2006.

Who We Are

Who is Welcome on Democratic Underground, and Who is Not

Democratic Underground is an online community for Democrats and other progressives. Members are expected to be generally supportive of progressive ideals, and to support Democratic candidates for political office.

We ban conservative disruptors who are opposed to the broad goals of this website. If you think overall that George W. Bush is doing a swell job, or if you wish to see Republicans win, or if you are generally supportive of conservative ideals, please do not register to post, as you will likely be banned.

People who repeatedly and willfully break the rules, or who generally engage in rude, anti-social behavior, will be banned. It doesn't matter if you are a fellow progressive, a long-term member of this community, or a donor.

If you have been banned from Democratic Underground, you are not permitted to log on again using a different username. Previously banned members will be immediately banned, regardless of behavior.

Relationship to the Democratic Party

Democratic Underground is a completely independent organization. Democratic Underground is not affiliated with the Democratic Party in any way, and comments posted here are not representative of the Democratic Party or its candidates.

Civility



Like Drowning in Oil on

Personal Attacks, Civility and Respect

The administrators of Democratic Underground are working to provide a place where progressives can share ideas and debate in an atmosphere of mutual respect. Despite our best efforts, some of our members often stray from this ideal and cheapen the quality of discourse for everyone else. Unfortunately, it is simply impossible to write a comprehensive set of rules forbidding every type of antisocial behavior. The fact that the rules do not forbid a certain type of post does not automatically make an uncivil post appropriate, nor does it imply that the administrators approve of disrespectful behavior. Every member of this community has a responsibility to participate in a respectful manner, and to help foster an atmosphere of thoughtful discussion. In this regard, we strongly advise that our members exercise a little common decency, rather than trying to parse the message board rules to figure out what type of antisocial behavior is not forbidden.

Do not post personal attacks or engage in name-calling against other individual members of this discussion board. Even very mild personal attacks are forbidden.

Do not hurl insults at other individual members of this message board. Do not tell someone, "shut up," "screw you," "fuck off," "in your face," or some other insult.

Do not call another member of this message board a liar, and do not call another member's post a lie. You are, of course, permitted to point out when a post is untrue or factually incorrect.

Do not publicly accuse another member of this message board of being a disruptor, conservative, Republican, FReeper, or troll, or do not otherwise imply they are not welcome on Democratic Underground. If you think someone is a disruptor, click the "Alert" link below their post to let the moderators know.

Do not draw negative attention to the fact that someone is new, has a low post count, or recently became a member of Democratic Underground. Do not insinuate that because someone is new, they are a troll or disruptor.

Do not accuse entire groups of people on Democratic Underground of being conservative disruptors, or post messages which spread this type of suspicion. Do not post topics that arouse suspicion against new members, or members with low post counts.

Do not say that you are hitting the alert link to report

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another member. You are permitted to tell someone that you are adding them to your ignore list, provided that you actually do so.

Do not "stalk" another member from one discussion thread to another. Do not follow someone into another thread to try to continue a disagreement you had elsewhere. Do not talk negatively about an individual in a thread where they are not participating. Do not post messages with the purpose of "calling out" another member or picking a fight with another member. Do not use your signature line to draw negative attention to another member of the board.

You are permitted to post polite behavioral corrections to other members of the message board, in direct response to specific instances of incivility, provided that your comments are narrowly focused on the behavior. But you are not permitted to make broad statements about another person's behavior in general, and you are not permitted to post repeated reminders about another person's mistakes.

You are permitted to criticize public figures, who are not protected under our rules against personal attacks. However, if a public figure is a member of our community, that person is protected by our rules and you are not permitted to personally attack that person. (You are permitted to offer constructive criticism of their activities as a public figure.)

If you do not like someone, please be aware that you have the option of putting that person on your ignore list. Just click the ignore icon a on one of their posts.

There are no exceptions to these civility rules. You cannot attack someone because they attacked you first, or because that person "deserved it," or because you think someone is a disruptor. We consider it a personal attack to call a liar a liar, to call a moron a moron, or to call a jerk a jerk.

Content

Disruption and Inappropriate postings

Do not post messages that advocate harm or death to anyone, threaten the livelihood of anyone, or otherwise harass anyone. Do not send email, snail mail, phone, fax, or other messages to anyone if your intent is to threaten or harass, and do not encourage others to do the same. Do not take your disagreements offline, and do not do anything to try to harm or harass any member of this message board offline.

Do not post personal information about any other person, even if that information is publicly available. Do not "dig up" information about any other visitor to this website. You may post the public contact information for public figures, but you may not post anyone's private information without their consent.

Do not use our message board for personal fundraising, for-profit advertising, or selling products or services, except in the specially-designated "DU Marketplace" forum. We will occasionally make an exception in cases where the product or service contributes to the Democratic or progressive cause, provided that you ask an administrator for permission before you post.

Do not post messages that are entirely in capital letters, unless you are trying to indicate yelling or intense emotion.

You are permitted to discuss political or social issues relating to human sexuality, provided that you exercise the appropriate level of maturity, sensitivity, and discretion. Topics about sex are not permitted in the DU Lounge, although we may occasionally make an exception for articles posted from mainstream news sources.

Do not post messages about bodily functions.

Do not post graphic images of violence, gore, pain, or human suffering. If you have a legitimate political purpose for posting graphic images, you may do so provided that you include a clear warning in the subject line of your post.

Do not post messages asking for medical advice.

Stay on topic. Do not jump into an unrelated discussion and introduce a barely-relevant tangent.

Bigotry and Broad-Brush Smears

When discussing race, gender, sexual orientation, ethnicity, religion, or other highly-sensitive personal issues, please exercise the appropriate level of sensitivity toward others and take extra care to clearly express your point of view.

Do not post messages that are bigoted against (or grossly insensitive toward) any person or group of people based on their race, gender, sexual orientation, ethnicity, religion, lack of religion, disability, physical characteristics, or region of residence.

While specific words are not automatically forbidden, members should avoid using racist, sexist, homophobic, or otherwise bigoted terminology. This includes genderspecific terms such as "cunt," "whore," "slut," "skank," or "pussy," and terms with homophobic derivation, such as "cocksucker," which are often inflammatory and inappropriate. A common exception that is permitted is the use of words like "whore" or "prostitute" in cases where public figures or the media do favors. (For example: "Fox News is whoring for the GOP again" or "Tom DeLay is a prostitute for corporate interests.")

Special note with regard to the word "bitch": The word "bitch" has been the source of a great deal of controversy on this website, because some of our members consider it to be a bigoted slur against all women, while others do not consider it bigoted. For a while we actively deleted posts which included this word, in an effort to keep the peace. This effort helped to keep discussions on track, but it resulted in many deleted posts that were otherwise perfectly fine as well as many confused people. Futhermore, the moderators themselves were ambivalent about removing the word. For this reason, we no longer automatically remove the word "bitch." However, we strongly urge members to voluntarily avoid using the word if they wish to keep their own discussions from going off-topic, and we reserve the right to take disciplinary action if we think someone is deliberately using the word in an effort to disrupt or cause trouble.

With regard to religion (or the lack thereof), Democratic Underground is a diverse community which includes Christians, Jews, Buddhists, Muslims, Hindus, Atheists, Agnostics, and others. All are welcome here. For this reason, we expect members to make an extra effort to be sensitive to different religious beliefs, and to show respect to members who hold different religious beliefs. Members are welcome to discuss whether they agree or disagree with particular religious beliefs, but they are expected to do so in a relatively sensitive and respectful manner. As a general rule, discussions about ideas are usually permitted, but broad-brush bigoted statements about groups of people - either religious or nonreligious — are not. If you are easily offended by discussions about religious beliefs, or if you take pleasure from offending or ridiculing people with different beliefs, or if you consider progressive people with different beliefs to be your enemy or your inferior, do not participate in religious discussions on Democratic Underground.

Discussion topics relating to religion that have little or no relation to politics or current events must be posted in the Religion/Theology forum. If you are easily offended by discussion relating to religion, you are strongly advised to avoid the Religion/Theology forum. Instead, consider participating in one of our many <u>DU Groups for believers or non-believers</u>.

Please note that sweeping statements about entire groups of fellow progressives are not categorically forbidden (except in the case of race, gender, sexual orientation, ethnicity, religion, lack of religion, disability, physical characteristics, or region of residence, as mentioned above). However, they are often inflammatory and counterproductive and the moderators have broad discretion to remove such posts in the interests of keeping the peace on the message board.

Have a thick skin. Please be aware that just because you consider a post to be offensive does not mean that it is against the rules or bigoted. As a general rule of thumb, posts about ideas are generally okay, but posts about groups of people are often inappropriate.

Duplicate Topics and Spamming

Do not post duplicate topics that have already been posted. There are different levels of enforcement in different forums. For example, the Latest Breaking News forum has extremely strict rules against duplicate topics, but the General Discussion forum is much more lenient. Cross posting of duplicates in the two General Discussion forums is not permitted. Cross-posting of duplicates in other forums is occasionally permitted if there is a clear reason for doing so.

Do not spam the message board by posting the same message repeatedly, or by posting a flood of different messages. We have an automatic spam filter which blocks out members who post numerous messages in a short period of time.

Inflammatory or Flame-Bait Discussion Topics

Do not post "flame bait" discussion topics. While there is no clear line regarding what constitutes flame bait, the moderators have the authority to shut down threads which they consider too rhetorically hot, too divisive, too extreme, or too inflammatory. Please use good judgment when starting threads; inflammatory rhetoric does not normally lead to productive discussion.

Do not start a new topic in order to continue a flame war from another discussion thread.

National Security

Do not post messages that could be construed as advocating harm or death to the president or other highranking official in the United States government. In the case of the president, do not even post jokes, as the Secret Service is not known for its sense of humor.

Do not post messages that could be construed as advocating armed revolution or violent overthrow of the government of the United States.

Do not post messages that could be construed as advocating violence or military defeat against the United States, the U.S. military, US service people, or the people of the United States.

Do not post broad-brush smears against US service people. Do not blame the troops for the mistakes of their officers or their Commander-in-Chief. Show the appropriate level of respect to those individuals who have put their own lives on the line to defend this country.

Do not post unpublished information on troop movements, military maneuvers, or any other information which may compromise US national security.

Democratic Candidates and the Democratic Party

Constructive criticism of Democrats or the Democratic Party is permitted. When doing so, please keep in mind that most of our members come to this website in order to get a break from the constant attacks in the media against our candidates and our values. Highly inflammatory or divisive attacks that echo the tone or substance of our <u>political opponents</u> are not welcome here.

You are not permitted to use this message board to work for the defeat of the Democratic Party nominee for any political office. If you wish to work for the defeat of any Democratic candidate in any General Election, then you are welcome to use someone else's bandwidth on some other website.

Democratic Underground may not be used for political, partisan, or advocacy activity by supporters of any political party or candidate other than the Democratic Party or Democratic candidates. Supporters of certain other political parties may use Democratic Underground for limited partisan activities in political races where there is no Democratic Party candidate. Do not post broad-brush smears against Democrats or the Democratic Party.

Restrictions on Linking to Other Websites

Do not post messages that give publicity to websites that have little purpose other than to smear, disrupt, or complain about Democratic Underground. Currently there are only three websites that fall into this category. Their addresses are not listed here because we do not wish to give them publicity. They are easily identified by their bizarre obsession with Democratic Underground.

Do not quote or link to bigoted websites, or websites that republish content from bigoted websites. While many of these websites are easily identifiable, some are less obvious at first glance. Please be aware that even some anti-Bush websites also include bigoted content and are therefore not welcome here.

Do not quote or link to "conspiracy theory" websites, except in our September 11 forum, which is the only forum on Democratic Underground where we permit members to debate highly speculative conspiracy theories. A reasonable person should be able to identify a conspiracy theory website without much difficulty.

Members are permitted to link to highly partisan conservative websites, provided that they are doing so in the proper context.

If you would like to know if a particular website is restricted, please <u>contact an administrator</u>.

Where to post various discussion topics.

Democratic Underground has a large number of forums on a number of different topics. We encourage you to take time to familiarize yourself with all of the different forums so you have a better idea of where to post various topics. We also encourage you to take advantage of the "My Forums" feature so you can easily keep track of the forums that interest you.

We have very strict <u>rules</u> for starting a discussion thread in the Latest Breaking News forum. Those rules are displayed when you click "post." Please follow those rules, or your thread will be shut down.

The General Discussion forum is for discussion of a wide range of topics that are relevant to politics, public policy, and current events. Topics with little or no political relevance are not permitted in the General Discussion forum. Due to continuing problems, discussion of Israeli/Palestinian issues is limited to the Israel/Palestine forum, and is governed by a special set of <u>rules</u> which are available in that forum. If a discussion is primarily about US policy in Israeli/Palestinian affairs, it is sometimes allowed in other forums. Discussion of other Middle East issues is also sometimes allowed. If a thread is on a different topic, but later goes off-topic and becomes a discussion of Israeli/Palestinian issues, the moderators may move the thread to the Israel/Palestine forum.

Discussions about politics and public policy that relate to religion are permitted in the political forums, including the General Discussion forum. However, discussions that are primarily focused on theological questions, including discussions about the truth or untruth of certain religious beliefs, are not permitted in the General Discussion forum, and must instead be posted in the Religion/Theology forum.

Posts about so-called "conspiracy theories" are not permitted on Democratic Underground, except in the September 11 forum.

Posts that are unrelated to politics or public policy (such as pop culture, entertainment, sports, or celebrity news) belong in the DU Lounge, in the relevant Topic Forums, or in the appropriate DU Groups.

Questions about Democratic Underground policies should be <u>emailed to the administrators</u>. Discussion topics pertaining to specific enforcement actions by the moderators are categorically forbidden. Discussion topics relating to Democratic Underground policies, procedures, enforcement, etc., are sometimes permitted if they are respectful and not disruptive to the administration of the website. We reserve the right to lock or delete any such topics for any reason.

Special Rules for DU Groups

Donating members have the ability to post in special forums called "DU Groups." All of the DU Groups are in the same folder, and they are designated by a special icon. DU Groups are a special type of forum, organized by DU members, and dedicated to a particular mission. The mission statement of each DU Group is pinned to the top of that group's forum listing. Individuals who participate in a particular DU Group must do so within the limits set by that Group's mission statement. Those who fail to abide by the mission statement, or whose presence is disruptive to the other members of that Group, will be barred from posting in that Group. Unfortunately, in the past some members have used the protected "echo-chamber" available in the DU Groups in ways that increased feelings of victimization among members of that Group, or increased hostility toward DU members who are not participants in that Group. This has been a particular problem in Groups devoted to specific Democratic candidates, and in Groups for believers or non-believers. Because of this misuse of the DU Groups, we have been forced to institute a few additional rules to keep discussions productive.

Do not use the DU Groups to whip up feelings of victimization or to complain about perceived mistreatment by the administrators, moderators, or members of Democratic Underground.

Do not use the DU Groups to discuss members of Democratic Underground who you do not like, or whom you believe to be disruptors.

Do not use the DU Groups to "rally the troops" to go participate in discussion threads elsewhere on our website, or to likewise encourage members to vote in polls or recommend threads or alert on posts.

Additional information about DU Groups is posted in the DU Groups folder.

Posting Restrictions on New Members

New members are restricted from starting new discussion topics. We require you to first post responses to a few existing discussion threads before you are given the privilege to do so. We wish we did not have to enforce this rule, but we have found it very helpful to keep disruptors off of our message board. Please do not email us to ask what the minimum number is; we won't tell you, and it's not very high.

New members are similarly restricted from using the private messaging function or recommending topics for the Greatest Page.

Your username, signature line, and avatar image

All registered members must select a forum username which will appear with all of their posts. Members are expected to take care when selecting their usernames, which cannot be changed once they have been selected. Do not select a username that could be considered inappropriate or disruptive to the community.

Members are not permitted to have more than one account on Democratic Underground.

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Members have the option of including a short signature line at the end of each post, and donors have the option of uploading a small avatar image which appears in the margin next to each post.

Your signature line and your avatar image must adhere to the community standards for this message board. Do not use your signature line or avatar image as a means to disrupt the message board. If either your signature line or avatar image is judged to be disruptive, you will be asked to remove it or change it. The administrators have the final authority to decide what is considered disruptive.

Your signature line may not exceed 400 characters. This 400-character limit includes all characters, including spaces and URLs for links and images. You may have no more than one image (.jpg or .gif format) in your signature line at any time. This image may not exceed 500 pixels wide, 200 pixels tall, or a file size of 20 kilobytes. If you do not know if your image is in compliance, right click on it and select "Properties." You may not use any HTML code in your signature line except the special message board code for: bold, italics, links, center, and line breaks. You are limited to a maximum of two line break [br] tags.

Your avatar image should be in either .jpg or .gif format, and should be no more than 3 kilobytes. We recommend that you crop your avatar to exactly 48 pixels wide and 48 pixels tall.

Copyright

Copyright issues and Bandwidth Theft

Do not post entire copyrighted articles. If you wish to reference an article, provide a brief excerpt and include a link to the original source. Generally, excerpts should not exceed three or four paragraphs.

Do not plagiarize.

Do not steal someone else's bandwidth by posting images that are hosted on another website. Democratic Underground is a high-traffic website, so posting images from other sites will cause their server load to increase dramatically, and might even cost the website owner money. If you wish to post an image from another website, you must contact the owner of the other website to get their consent.

Democratic Underground has the ability to block remote

linking to images hosted on other websites. If you are a website administrator and you would like images from your website blocked, please <u>send us an email</u> to let us know.

Do not link or share copyrighted digital media such as mp3s or DVDs.

Wherever possible, please make an effort to link directly to the original source of an article, instead of linking to sites that have re-published someone else's content.

Forum Administration

General Rules

We reserve the right to ban anyone for any reason, to delete any post for any reason, to shut down any discussion for any reason, or to do whatever we feel is appropriate to run this website.

The rules listed here cover the most common disruptive or inappropriate postings, but this is not a complete list. We reserve the right to remove any post that we consider disruptive or inappropriate, even if that post is not specifically forbidden by our published rules.

All of the rules for posting on the discussion forum also apply to messages sent through our private messaging system, or by any other method of communication on this website.

If you think someone is breaking any of the rules listed here, or if you think someone might be a disruptor, please click the "Alert" link on the offending post so the moderators can deal with it.

The administrators have the final authority on all matters relating to this website.

The Moderators and Administrators

Treat the moderators and administrators with respect.

Do not post messages attacking the moderators or administrators.

Do not publicly accuse the moderators or administrators of bias.

Do not send rude messages to the moderators or administrators, by email, by private message, by use of

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the "Alert" function, or by any other means.

Do not publicly post correspondence you receive from moderators and administrators, and do not share it with other members of this message board.

If you have any questions about the rules of this message board, please contact the website administrators by <u>sending an email</u>. The administrators of this website are Skinner, EarIG, and Elad.

Questions about Democratic Underground policies should be <u>emailed to the administrators</u>. Discussion topics pertaining to specific enforcement actions by the moderators are categorically forbidden. Discussion topics relating to Democratic Underground policies, procedures, enforcement, etc., are sometimes permitted if they are respectful and not disruptive to the administration of the website. We reserve the right to lock or delete any such topics for any reason.

Please be aware of the following

Messages posted on our discussion board are the opinions of the individuals who post them, and do not necessarily represent the opinions of Democratic Underground, LLC.

Any information disclosed on our discussion board becomes public information. Anyone who visits our website is able to read any of the messages posted here. Also, many of the messages posted here are indexed by search engines, including Google.

By default, your profile is available to other registered users. You can hide your profile using the features available by clicking on the "Options" icon.

Democratic Underground, LLC, does not have a policy of checking the veracity of messages posted by users of our discussion board. Use discretion when evaluating unsubstantiated claims.

How the moderators do their job

The moderators of Democratic Underground enforce the rules based on consensus. Whenever a moderator takes action, they are required to first get a consensus from the available moderators that action is necessary and appropriate. What constitutes a consensus varies based on the situation. If a rule violation is obvious, then action only requires a second opinion from one other moderator. But if a situation is unclear, highly subjective, or likely to be controversial, then the Case 2:10-cv-01356-RLH -GWF Document 48-1 Filed 12/07/10 Page 15 of 16

opinions of many moderators are required. Whatever the situation, one moderator has the power to veto any enforcement action. All moderator actions are logged by our software, and can be reviewed by the administrators. All of our moderators are unpaid volunteers. They are selected from the membership of our community, and represent the full ideological spectrum of our membership. They usually serve for terms of three months. During any given term, we usually have a mix of veteran moderators who have served for many months and relatively new moderators who have only recently volunteered. Before each new term, the administrators post an announcement calling for new volunteers. If you wish to volunteer, keep an eye on our announcements section in the forum Lobby. Your Freedom to Leave All visitors to the Democratic Underground website are here voluntarily. Nobody is forcing you to post on this message board. The administrators try their best to be fair, and to make Democratic Underground a welcoming place for progressives who like Democratic Underground and who want to be here. If you do not like Democratic Underground, or the members of Democratic Underground, or the way we run Democratic Underground, then we strongly suggest that you exercise your right to leave. If we decide that you do not like this place very much, then we reserve the right to show you the door ourselves.

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